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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,196	06/20/2000	John Zimmerman	US000127	6011

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

BAUGH, APRIL L

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 11/20/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/597,196

Applicant(s)

ZIMMERMAN, JOHN

Examiner

April L Baugh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 5-13 in Paper No. 6 is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Lenz.

Regarding claim 5, AAPA teaches an appliance, comprising: a controller and a receiver connected thereto and effective to receive an ID device identifier (pg. 3, line 21-pg.4, line 3); a network interface connectable to a relay server corresponding to said ID device; said controller being further programmed to access profile data on said profile server (pg.3, lines 8-11).

AAPA does not teach of a relay server. Lenz teaches said controller being programmed to transmit data responsive to said identifier to said relay server and receive a profile address in response from said relay server (column 2, line 66 through column 3, line 9 and column 3, lines 13-15). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the personalization of smart appliances of AAPA by having a relay server because it automatically directs the appliance to the server location with the

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profile information to personalize the appliance thus allowing the user to personalize a new appliance with the same profile because the profile isn't stored on the appliance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 6-13 rejected under 35 U.S.C. 102(a) as being unpatentable by Applicant Admitted Prior Art (AAPA).

Regarding claim 6, AAPA teaches a method of controlling the operation of an appliance, comprising the steps of: delivering first access data to an appliance, said access data providing network access to first configuration data; receiving at said appliance at least a portion of said first configuration data via said network; configuring said appliance responsively to said first configuration data (pg. 3, line 5-11); delivering second access data said appliance, said second access data providing network access to second configuration data; receiving at said appliance at least a portion of said second configuration data; reconfiguring said appliance responsively to said second configuration data (pg.4, lines 4-11).

Referring to claim 7, AAPA teaches a method as in claim 6, wherein said first and second steps of delivering each include delivering data from a portable device permanently storing said first and second access data, respectively (pg. 3, line 5-11).

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Regarding claims 8 and 9, AAPA teaches a method as in claim 7 and 6, wherein said first receiving step includes receiving first relay data responsive to a network server identified in said first access data, receiving profile data made accessible via said network by said first relay data (pg. 3, line 5-11) and said second receiving step includes receiving second relay data responsive to a network server identified in said second access data, and receiving profile data made accessible via said network by said second relay data (pg. 4, lines 4-11).

Referring to claim 10, AAPA teaches a method as in claim 6, wherein: said first and second steps of delivering include delivering data from a portable device permanently storing said first and second access data, respectively (pg. 3, line 5-11); said device is a radio frequency identification device (pg. 3, line 21 through pg. 4, line 3).

Regarding claim 11, AAPA teaches a method as in claim 10, wherein each of said first and second access data are permanently stored in respective first and second radio frequency identification devices (pg. 3, line 21 through pg. 4, line 3).

Referring to claim 12, AAPA teaches a method as in claim 11, wherein said steps of delivering include co-locating a radio frequency identification device with said appliance (pg. 3, line 21 through pg. 4, line 3).

Regarding claim 13, AAPA teaches a method as in claim 6, wherein said first step of receiving includes receiving a portion of profile data including data relating to said appliance and data relating to another type of appliance (pg. 3, line 5-11 and pg. 4, lines 4-11).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal D Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ALB


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER